

CA Criminal Law - R.M. Court - Br. Dangerous Drugs Act ① Possession of ganja
② Dealing in ganja - Plea of guilty - whether R.M. should
have accepted plea of guilty without first obtaining Chemist
certificate that substance was ganja - whether appellant "fell into
error" when he pleaded guilty
JAMAICA
Appeal Dismissed

IN THE COURT OF APPEAL

RESIDENT MAGISTRATE'S CRIMINAL APPEAL NO. 22/94

BEFORE: THE HON. MR. JUSTICE CAREY, J.A.
THE HON. MR. JUSTICE GORDON, J.A.
THE HON. MR. JUSTICE WOLFE, J.A.

PETER COLEMAN vs. REGINA

Glen Cruickshank for Appellant

Ralston Williams for Crown

JULY 12, 1994

CAREY, J.A.:

The appellant was charged on two informations for possession of ganja and dealing in ganja to which he pleaded guilty.

The facts are that on the 17th of April, 1994, the appellant was a passenger in a car, driven by another man along the Leeds main road in the parish of St. Elizabeth when it was stopped by Corporal Dave Bell of the Santa Cruz Police Station who had observed some white knitted plastic bags protruding from the trunk of the car. He investigated and found 150 lbs. of ganja. The appellant is alleged to have said, "A fi me ganja officer, beg you a chance."

The learned Resident Magistrate fined the appellant \$15,000 or 12 months and in addition 12 months at hard labour for possession and \$20,000 or 12 months and in addition 12 months at hard labour, for dealing in ganja.

Mr. Cruickshank endeavoured to argue that the learned Resident Magistrate fell into error in accepting the plea of guilty without first obtaining from a Chemist certification that the substance for which the appellant was charged was in fact ganja.

We wish to say that there is absolutely no merit in that ground. The best person to know what he has, is the appellant. From the outset he admitted he had ganja. Where a defendant pleads guilty, there is no obligation on the prosecution to prove anything. There was a prima facie case on the facts recounted by the Clerk of the Courts to the Resident Magistrate.

It was also argued by Mr. Cruickshank that the appellant "fell into error" when he pleaded guilty to charges he never understood.

This is absolutely without substance. The appellant could not have understood by any of the charges which were read to him as framed that he was being asked to plead that he was in a motor car with ganja.

With respect to sentence, where the charge involves trafficking in dangerous drugs, compassion does not arise. A person who deals in drugs cannot receive mercy. Judges must be firm in appreciating that trafficking in drugs is an international trade which is of absolutely no benefit to society. Persons involved are purveyors of death. The learned Resident Magistrate did temper justice with mercy in the matter, in light of the fact that the appellant pleaded guilty.

We are constrained to dismiss this appeal. The conviction and the sentence are affirmed.